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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20054

ORIGINAL

In the Matter of)
)
Amendment of Section 73.202(b))
Table of Allotments)
FM Broadcast Stations)
(Walla Walla, WA and Hermiston, OR))

RM-_____

To: John A. Karousos, Chief
Allocations Branch

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SUPPLEMENT TO
PETITION FOR RULE MAKING

Mark Jacky Broadcasting ("MJB"), the Permittee of KUJ (FM), Walla Walla, WA, hereby submits this Supplement to the above-captioned, November 25, 1996 Petition for Rule Making.

The Petition for Rule Making proposed the substitution of channel 256C2 for channel 256A at Walla Walla, WA. Footnote 1 to the Petition noted that, on October 30, 1996, the Permittee had filed a Form 301 "One Step" upgrade application at the FCC, requesting authority for the Permittee to upgrade from channel 256A to channel 256C3 at Walla Walla. This Supplement advises the FCC of the October 23, 1997 grant of that application (BMPH-901030IE) and of the Permittee's notice to the FCC this date of the commencement of KUJ's upgraded broadcast service. See attached FCC decision.

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MJB

WHEREFORE, Petitioner urges that the FCC expeditiously grant the Petition and initiate the requested Rule Making.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Robert Thompson", written over the typed name.

Robert Lewis Thompson
TAYLOR THIEMANN & AITKEN, L.C.
908 King Street, Suite 300
Alexandria, VA 22314
(703) 836-9400

Counsel for MJB

November 5, 1997

CERTIFICATE OF SERVICE

I, Robert L. Thompson, do certify that on this 5th day of November, 1997, I served a copy of the foregoing "Supplement to Petition for Rule Making" to the person listed below by first class mail:

Station KQFM
Box 145
Hermiston, OR 97838


Robert L. Thompson

November 5, 1997

FEDERAL COMMUNICATIONS COMMISSION
1919 M STREET NW
WASHINGTON DC 20554

MASS MEDIA BUREAU
AUDIO SERVICES DIVISION
TECHNICAL PROCESSING GROUP
APPLICATION STATUS: (202) 418-2730
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PROCESSING ENGINEER: JOHN GLENN
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OCT 23 1997

Mr. Thomas Hodgins
Mark Jacky Broadcasting
Route 5, Box 813
Walla Walla, WA 99362

Mr. Paul E. Moore, President
LifeTalk Radio Foundation
402 E. Yakima Avenue, Suite 1320
Yakima, WA 98901

In re: KUJ-FM, Walla Walla, WA
Mark Jacky Broadcasting ("Jacky")
BPH-950829MA
BMPH-961030IE
BLH-961113KB

NEW(FM), Milton-Freewater, OR
LifeTalk Broadcasting Association ("LifeTalk")
BPED-950222MA

Dear Sirs:

This refers to: (i) the above captioned applications filed by Jacky; (ii) the application for a new non-commercial educational FM station to serve Milton-Freewater, Oregon filed by LifeTalk (BPED-950222MA); (iii) the December 4, 1996 Petition for Reconsideration filed by LifeTalk seeking reconsideration of the grant of Application BPH-950829MA; (iv) the December 27, 1997 Petition to Deny¹ filed by LifeTalk against Application BMPH-961030IE;² (v) the Informal Objection filed on December 27, 1996 by LifeTalk against license application BLH-961113KB; and (iv) all related pleadings. For the reasons stated below, Jacky's and LifeTalk's applications will be granted.

¹ LifeTalk labeled the objection a "Petition to Deny." However, because the Communications Act does not authorize the filing of Petitions to Deny against minor change applications, *see* 47 U.S.C. § 309(c), we will treat the pleading as an Informal Objection. *See* 47 C.F.R. § 73.3587.

² Application BMPH-961030IE seeks to modify construction permit BPH-950829MA which was granted by Staff October 30, 1996.

Petition and Objections

LifeTalk's petition and objections argue that Jacky's permit and applications fail to comply with 47 C.F.R. § 73.207 with respect to its pending application. On October 9, 1997, LifeTalk filed an amendment to **change** its transmitter site. We note that LifeTalk's amended application rectifies the § 73.207 violation and thus renders the petition and objections as moot. LifeTalk recognizes this and on October 21, 1997 filed a request to withdraw its petition and objections and all related pleadings. We have reviewed the pleadings before us and find that they do not raise a substantial and material question of fact as to the qualifications of the applicants. In addition, LifeTalk expressly represented that no consideration has been exchanged in connection with their request. We find that LifeTalk's withdrawal request satisfies the provision of § 73.3588(a). Therefore, LifeTalk's Petition for Reconsideration and Objections will be dismissed.

LifeTalk Application

As stated above, LifeTalk's amended application resolves the § 73.207 discrepancy. Furthermore, our study reveals that LifeTalk's application meets the Commission's acceptability and grantability standards. Therefore, the application will be granted.

Jacky Application

An engineering study of the proposed allotment site³ reveals that it is in full compliance with the Commission's allotment standards and the application meets the Commission's acceptability and grantability standards. Therefore, pursuant to the *Report and Order* in MM Docket 92-159, we find that the public interest would be served by substituting Channel 256C3 for Channel 256A at Walla Walla, Washington.

Accordingly, pursuant to the authority found in Sections 4(i), 5(c)(1), 303 and 307(b) of the Communications Act of 1934, as amended, and Sections 0.61, 0.204(b), 0.283, 1.420, 73.203(b), and 73.3573 of the Commission's Rules, as amended:

IT IS ORDERED, that effective as of the date of this letter, the FM Table of Allotments, 47 C.F.R. § 73.202(b), IS AMENDED as follows:

Community	Channel No.
Walla Walla, WA	Add 256C3
	Delete 256A

IT IS FURTHER ORDERED, that pursuant to Section 316(a) of the Communications Act of 1934, as amended, the permit of Station KUJ-FM, Walla Walla, Washington IS MODIFIED to specify operation on Channel 256C3 in lieu of Channel 256A.

³ The reference coordinates for the proposed Channel 256C3 allotment site are 45° 59' 38" N.L. and 118° 10' 47" W.L.

Conclusion

IT IS FURTHER ORDERED that the December 4, 1996 Petition for Reconsideration filed LifeTalk Broadcasting Association IS HEREBY DISMISSED, the December 27, 1996 Petition to Deny filed by LifeTalk Broadcasting Association, when treated as an Informal Objection, IS HEREBY DISMISSED, the December 27, 1996 Informal Objection filed by LifeTalk Broadcasting Association IS HEREBY DISMISSED, Application File No. BPED-950222MA filed by LifeTalk Broadcasting Association IS HEREBY GRANTED, and Application File No. BMPH-961030IE filed by Mark Jacky Broadcasting IS HEREBY GRANTED. The construction permit authorizations will follow under separate cover. This action is taken pursuant to § 0.283.

Sincerely,



Edward P. De La Hunt
Supervisory Engineer
Audio Services Division
Mass Media Bureau

cc: Robert Lewis Thompson, Esq.
Donald E. Martin, Esq.
Allocations, 2000M, Rm. 832